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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,873	03/25/2004	Wolfgang Theilmann	13909-161001	7587
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FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AHLUWALIA, NAVNEET K	
			ART UNIT 2166	PAPER NUMBER
			NOTIFICATION DATE 11/26/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/809,873

**Applicant(s)**

THEILMANN ET AL.

**Examiner**

NAVNEET K. AHLUWALIA

**Art Unit**

2166

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to the Amendment filed 08/12/2008.

***Response to Arguments***

2. Claims 1, 3 – 14, 16 – 28 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1, 3 – 14, 16 – 28 remain rejected.
3. Applicant's arguments filed with respect to claims 1, 3 – 14, 16 – 28 have been fully considered but they are not persuasive.

*Applicant argues that there is no teaching in Subramanyan and Beavers alone and in combination of the version dependency data identifying versions of other learning objects and dependency data identifying object dependency.*

*In response to Applicant's argument, the Examiner submits that Subramanyan in combination with Beavers teaches the version dependency data identifying versions of other learning objects and dependency data identifying object dependency. This is clearly disclosed in Subramanyan as it teaches versions in paragraph 16 where it talks about there being version control tools and storing the versions and it can be worked on to modify and also to revert back to previous version. Furthermore, Subramanyan in paragraphs 31 and 33 teach the learning object via a version control tool and an authoring tool equating to the version dependency data and also the templates and the*

*subject matter groups showing the dependency data. Furthermore, Beavers teaches the object and version dependency data specifically in detail in paragraphs 149 and 174.*

*Other claims recite the same subject matter and for the same reasons as cited above the rejection is maintained.*

Hence, Applicant's arguments do not distinguish the claimed invention over the prior art of record. In light of the foregoing arguments, the 103 rejections are sustained.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 – 26 and 28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 claims a computer program product being embodied in a tangible computer readable medium, this falls under non statutory subject matter as it is not within the four statutory classes, in view of the definition of provided in paragraph 81 of the specification of the instant application. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 3 – 14 and 16 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanyan et al. ('Subramanyan' herein after) (US 2002/0178181 A1) further in view of Beavers et al. ('Beavers' herein after) (US 2004/0002049).

With respect to claim 1,

Subramanyan discloses a method, performed by one or more processing devices, for use in an electronic learning system that stores information as learning objects, the method comprising: designating a target learning object as a project object and storing version dependency data in the project object, the version dependency data identifying versions of other learning objects upon which the project object depends, the other learning objects including at least a version of a first object upon which the project object directly depends, and a version of a second object upon which the project object

indirectly depends the project object being an object that is separate from the first object and second object; wherein the other learning objects including the first and second objects do not store version dependency data and wherein the other learning objects store dependency data that identifies an object dependency but that does not identify a version dependency, the other learning objects relying on version dependency data in the project object for identification of version dependency (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

Subramanyan does not explicitly disclose the object and version dependency as claimed.

Beavers, however teaches the object and the version dependency as claimed in paragraphs 149 and 174.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because there are directed towards the same field of invention of electronic learning systems. Furthermore, the detailed stored information regarding the versions and their dependency and other metadata would make the flow of the information easily understood and remove unnecessary duplication (paragraphs 174 - 177, Beavers).

With respect to claim 3,

Subramanyan as modified discloses the method of claim 1, wherein designating comprises storing data in the project object that indicates that the target learning object is the project object (paragraphs 33, 46 and 48, Subramanyan).

With respect to claim 4,

Subramanyan as modified discloses the method of claim 1, wherein the target learning object comprises a portal to additional learning objects in the electronic learning system (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 5,

Subramanyan as modified discloses the method of claim 1, wherein the additional learning objects define a course offered via the electronic learning system (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 6,

Subramanyan as modified discloses the method of claim 4, wherein the target learning object comprises a glossary of a course (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 7,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the method further comprises: identifying learning objects upon which the project object depends; moving the project object and learning objects upon which the project object

depends between the local repository and the master repository (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 8,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the method further comprises: copying the version of the first object from the master repository to the local repository without copying the project object to the local repository; and resolving dependencies associated with the version of the first object in accordance with a predefined rule (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 9,

Subramanyan as modified discloses the method of claim 8, wherein the version of the first object depends on the second object, and resolving comprises making the version of the first object depend on a most current version of the second object in the local repository (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 10,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available



learning objects and a local repository that stores locally-available learning objects, and the method further comprises: copying the project object, the version of the first object, and the version of the second object from the master repository to the local repository; creating a second version of the first object; and updating the version dependency data in the project object to reference the second version of the first object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 11,

Subramanyan as modified discloses the method of claim 1, wherein at least one of the first and second objects stores information about a dependent object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 12,

Subramanyan as modified discloses the method of claim 11, wherein the information comprises an identity of the dependent object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 13,

Subramanyan as modified discloses the method of claim 1, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the method further comprises: copying the version of the first object from the master

repository to the local repository without copying the project object to the local repository; and resolving dependencies associated with the version of the first object in favor of current versions of objects on which the first object depends (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 14,

Subramanyan discloses a computer program product for use in an electronic learning system that stores information as learning objects, the computer program product being tangibly embodied in an information carrier, the computer program product being operable to cause one or more machines to: designate a target learning object as a project object; store version dependency data in the project object, the version dependency data identifying versions of other learning objects upon which the project object depends, the other learning objects including at least a version of a first object upon which the project object directly depends, and a version of a second object upon which the project object indirectly depends the project object being an object that is separate from the first object and second object; wherein the first object stores dependency data identifying the second object upon which the first object depends, and wherein the other learning objects including the first and second objects do not store version dependency data and wherein the other learning objects store dependency data that identifies an object dependency but that does not identify a version dependency, the other learning objects relying on version dependency data in the project object for

identification of version dependency (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

Subramanyan does not explicitly disclose the object and version dependency as claimed.

Beavers, however teaches the object and the version dependency as claimed in paragraphs 149 and 174.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because there are directed towards the same field of invention of electronic learning systems. Furthermore, the detailed stored information regarding the versions and their dependency and other metadata would make the flow of the information easily understood and remove unnecessary duplication (paragraphs 174 - 177, Beavers).

With respect to claim 16,

Subramanyan as modified discloses the computer program product of claim 14, wherein designating comprises storing data in the project object that indicates that the target learning object is the project object (paragraphs 33, 46 and 48, Subramanyan).

With respect to claim 17,

Subramanyan as modified discloses the computer program product of claim 14, wherein the target learning object comprises a portal to other learning objects in the electronic learning system (paragraphs 9,12, 16, 19 – 21, 33 and 48, Subramanyan).

With respect to claim 18,

Subramanyan as modified discloses the computer program product of claim 14, wherein the other learning objects define a course offered via the electronic learning system (paragraphs 19 – 21, 31, 33, 46 and 48, Subramanyan).

With respect to claim 19,

Subramanyan as modified discloses the computer program product of claim 14, wherein the target learning object comprises a glossary of a course (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 20,

Subramanyan as modified discloses the computer program product of claim 14, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the computer program product further comprises instructions operable to cause the one or more machines to: identify learning objects upon which the project object depends; move the project object and learning objects upon which the project object depends between the local repository and the master repository (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 21,

Subramanyan as modified discloses the computer program product of claim 14, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the computer program product further comprises instructions operable to cause the one or more machines to: copy the version of the first object from the master repository to the local repository without copying the project object to the local repository; and resolve dependencies associated with the version of the first object in accordance with a predefined rule (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 22,

Subramanyan as modified discloses the computer program product of claim 14, wherein the version of the first object depends on the second object, and resolving comprises making the version of the first object depend on a most current version of the second object in the local repository (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 23,

Subramanyan as modified discloses the computer program product of claim 14, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the computer program product further comprises instructions

operable to cause the one or more machines to: copy the project object, the version of the first object, and the version of the second object from the master repository to the local repository; create a second version of the first object; and update the version dependency data in the project object to reference the second version of the first object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 24,

Subramanyan as modified discloses the computer program product of claim 14, wherein at least one of the first and second objects stores information about a dependent object (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 25,

Subramanyan as modified discloses the computer program product of claim 14, wherein the information comprises an identity of the dependent object (paragraphs 9, 12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 26,

Subramanyan as modified discloses the computer program product of claim 14, wherein the electronic learning system comprises a master repository that stores globally-available learning objects and a local repository that stores locally-available learning objects, and the computer program product further comprises instructions cause the one or more machines to: copy the version of the first object from the master

repository to the local repository without copying the project object to the local repository; and resolve dependencies associated with the version of the first object in favor of current versions of objects on which the first object depends (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 27,

Subramanyan as modified discloses the method of claim 1, wherein the version of the first object and the version of the second object store object dependency data but not version dependency data, wherein the object dependency data for the version of the first object identifies one or more first learning objects upon which the version of the first object depends but does not identify versions of the one or more first learning objects, and wherein object dependency data for the version of the second object identifies one or more second learning objects upon which the version of the second object depends but does not identify versions of the one or more second learning objects (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).

With respect to claim 28,

Subramanyan as modified discloses the computer program product of claim 14, wherein the version of the first object and the version of the second object store object dependency data but not version dependency data, wherein the object dependency data for the version of the first object identifies one or more first learning objects upon which the version of the first object depends but does not identify versions of the one or

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more first learning objects, and wherein object dependency data for the version of the second object identifies one or more second learning objects upon which the version of the second object depends but does not identify versions of the one or more second learning objects (paragraphs 9,12, 16, 19 – 21, 31 and 33, Subramanyan).



8. THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navneet K. Ahluwalia/  
Examiner, Art Unit 2166

Dated: 11/18/08

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166